

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/776,658 Confirmation No.: 3381  
Applicant : Bozzone et al. TC/A.U.: 2618  
Filed : February 11, 2004 Examiner: SOBUTKA, PHILIP  
Docket No. : 7463-36 CE12125JME  
Title : **MODULAR COMMUNICATION SYSTEM**

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Attn: **Mail Stop AF**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Final Office Action dated June 6, 2007, Applicant respectfully files herewith a Notice of Appeal and requests review of the present application before filing an appeal brief.

**Related Appeals**

The issues presented in the present application are not related to any pending appeal.

**Status of the Claims**

Claims 1-20 are pending in the present application. Claims 1, 4-6, 14-17 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,219,560 to Erkkila *et al* (hereinafter Erkkila). Claims 7-12, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Erkkila in view of U.S. Patent No. 6,029,072 to Barber (hereinafter Barber). Claims 2, 3, 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Erkkila. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Erkkila in view of Barber.

**Clear Errors for Review**

Applicants respectfully assert that there is a clear deficiency in the prima facie case in support of the rejections. The references cited, namely Erkkila and Barber either individually or in combination fail to either anticipate or obviate claims 1-20.

This is a case where the Examiner is assigning or providing a particular definition to a first element in an attempt to anticipate or obviate the Applicant's claims and then impermissibly reassigning the definition of a second element in the cited reference in order to make the reference appear to anticipate or obviate such claims. If the Examiner assigns a particular interpretation to one element, then the second element in this instance will necessarily have a particular interpretation. The issues in this Appeal primarily involve the interpretation of the terms "host" and "modular wireless communication device" as found in the Applicant's claims and the terms "host" and "expansion card" as found in the Erkkila reference. The Examiner is equating the host device shown in FIG. 5 of Erkkila to the Applicant's modular wireless communication device. If the Examiner does this, then the Examiner must then equate the "expansion card" of Erkkila to be a "host" device. In so doing, the Examiner is truly distorting the meaning of what is truly taught in Erkkila, namely that a communication device such as a cell phone is serving as a host device and that it can accept various "expansion cards" to provide additional functionality. The Board is directed to Col. 2, line 64 through Col. 3, line 12 where Erkkila states that the invention is directed to "*...a cellular telephone system the function of which can be increased by means of various expansion cards. Thus, the host device in the system according to the invention, say, a mobile communication device, need not be equipped with all the possible functions...*". Further see Col. 3, lines 49-53 and lines 60-62.

In contrast, Applicants are claiming (as in Claim 7, for example) a modular communication system that includes a modular wireless communication module having a transceiver coupled to a processor and memory, and a first interface block coupled to the processor, and a detachable host device having a power source, a user interface, and a second interface block where the host device is one among a plurality of host devices having different user interfaces and the processor identifies a user interface of the detachable host device and

adapts to control the different user interfaces when the first interface block recognizes the second interface block of a given host device. Assuming that the device of FIG. 5 of Erkilla was equivalent to Applicant's "modular wireless communication module", then do the "expansion cards" of Erkilla act as "hosts" and include a power source, a user interface, a second interface block where the "expansion cards" are among a plurality of host devices having different user interfaces? Not really. The example provided in Erkilla for "expansion cards" include the "Miniature Card" standard which clearly teaches away from including a power source or a serving as a host. If the Examiner insists on equating the device of FIG. 5 in Erkilla as the modular device, then the "expansion card" must be a "host device" which clearly is not the case.

If interpreted correctly, Erkkila is generally directed to a mobile communication device serving as a host device and constructed to receive an expansion card which provides the mobile communication device additional capability of generating images or other specific functions. The expansion card contains the basic devices, utilities, and camera control for imaging functions. As seen in FIG. 5, Erkkila shows a mobile communication device having a transceiver 59, a display 55, a user interface 54, a memory 53, an interface block 50 and other processing components.

In Erkkila, the transceiver 59 is an integral part of the mobile communication device or host, and is not included as part of the expansion card. Notably, the expansion card, which couples to the host through the interface slot 50, provides an imaging function that is separate from radio frequency (RF) processing functions associated with the transceiver 59. The expansion card, which provides the imaging functions, does not include a transceiver. Briefly, a first distinguishing feature of the Applicant's embodiments with respect to Erkkila is the functionality and placement the transceiver. In the Applicant's, the transceiver is part of the modular portion or the wireless comm. module and it is not part of the host device, as in Erkkila.

Applicant's recited claims provides a wireless communication module ("module") that adapts to use for different host devices having different user interfaces. As shown in FIG. 1 of Applicants' Drawings, the module contains a transceiver 13, a processor 14, a first interface block 24, and other components. The module can be coupled to a host device 30 having a second interface block 46, user interface 24 and other components. Notably, the host device is

detachable from the module, thereby allowing the module to interface to a plurality of other host devices each having their own specific user interfaces. The transceiver 13 is specific to the module and provides communication portability among host devices that do not have communication resources. In contrast, the communication aspects of the transceiver are already present on the host device of Erkkila (FIG. 5). Erkkila does not teach that communication resources, such as a transceiver, are on the expansion card, but instead teaches away from having a transceiver on the expansion card of Erkkila since the communication services are already in the host device of Erkkila. This is a second distinguishing feature of Applicants' embodiments of the invention.

A third distinguishing feature is that the communication functionality of the transceiver is passed to the detachable host device, and the control of the detachable host device is passed to the module (FIG. 17). For example, the first interface block 24 can communicate with the second interface block 46 to receive an identifier signal that identifies the user interface 34 on the host device 30. The processor 14 of the module can identify the user interface 54 on the host device 30 and adapt a control of the user interface 54 in accordance with the display 18 on the module. Notably, this allows the module to display a user interface that complies with the input aspects of the detachable host device. In contrast, Erkkila does not teach or contemplate a module having a transceiver and a processor that identify a user interface of a detachable host and that controls the detachable host and the associated user interface. For instance, the mobile communication device of Erkkila can perform communication functions without the expansion card. In contrast, the detachable mobile host device of Applicants' embodiments may not have a communication module, and therefore require the module to provide communication functions.

Erkkila does not teach a processor that adapts to control a user interface based on an identification signal provided by the detachable host. Erkkila only teaches identifying a type of expansion card or a secure identification module (SIM) card which includes user's phone numbers (Col. 6, lines 6-38). Neither the expansion card or the SIM are capable of identifying the user interface. Erkkila fails to teach, or even suggest, mention or contemplate an identifier signal that identifies the user interface or a processor that adapts to control such user interface.

The Examiner has established that the "host device" are in fact merely attached devices such as a camera, game controller, or MP3 player as described in instant paragraph [0029] of the instant specification. However, the same processor in each of the devices is clearly not used for the different host devices. A single processor is not shared amongst a plurality of host devices.

Claim 7-12 and 18 and 19 were rejected as being unpatentable over Erkkila in view of Barber. Briefly, Barber is directed to a portable telephone with terminal mode facility. The mobile device, when coupled to a host, relinquishes control to the host according to display control commands received by the mobile device from the host. Erkkila does not teach identifying a user interface of the mobile communication device. It was stated that Barber teaches attaching devices to a wireless device wherein the attached device has its own power supply. Briefly, FIG. 3 of Barber shows that host device includes a battery charger 326 that couples to the mobile device 200 to charge a battery of the mobile device. Notwithstanding the fact that Erkkila does not teach a processor that identifies a user interface of the detachable host device and adapts to control the different user interfaces as identified in the amended claims, it would not be obvious to extend the novel aspects of the invention to include a power source.

Accordingly, it is respectfully submitted that the claims are in condition for allowance and clear error has been committed in the final Office Action. The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account Number 50-0951.

Respectfully submitted,

Date: August 3, 2007

/Pablo Meles/  
Pablo Meles, Registration No. 33,739  
AKERMAN SENTERFITT,  
Customer No. 55794  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (954) 759-8959